

Appl. No. : 10/026,066  
Filed : December 7, 2001

### SUMMARY OF INTERVIEW

The following is a summary of the telephone interview held on January 27, 2005 between Applicants' representatives Dale Hunt, Marc Morley, and David Diamond, and Examiner VanderVegt.

#### Exhibits and/or Demonstrations

No exhibits or demonstrations were presented during the interview.

#### Identification of Claims Discussed

Claims 1 and 42 were discussed during the interview.

#### Identification of Prior Art Discussed

The cited art of record in the Office Action dated June 16, 2004 and in the Final Office Action dated December 1, 2004 was discussed during the interview.

#### Proposed Amendments

The parties discussed the cancellation of Claim 1, the amendment of Claim 42, and the dependent claims.

#### Principal Arguments and Other Matters

Applicants' representatives discussed the distinctions between Claim 1 and the cited art, and discussed the amendment to Claim 42.

#### Results of Interview

Not applicable (N/A).

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### REMARKS

Applicants thank Examiner VanderVegt for his review of the application, and particularly thank the Examiner for his time during the telephone interview held on January 27, 2005.

#### Status of the Claims

By the foregoing amendments, Applicants seek to cancel Claims 1 and 37, and to amend Claims 2-5, 29-30, 35-36, and 38-42. The specific changes to the claims are shown above with insertions shown in underlined text and ~~deletions shown in strikethrough text~~. Also, entry of new Claim 43 is requested. As evidenced below, the amendment and the new claim do not introduce new matter into the application. Claims 2-5, 29-37 and 38-43 are pending in the application, with Claim 42 being the only independent claim.

#### Support for Amendments

Claim 42 has been amended to clarify that the first housekeeping epitope and second housekeeping epitope are not the same. Support for this amendment can be found at page 7, lines 25-30. Claim 42 has also been amended for clarity to provide proper antecedent basis for the dependent claims. New Claim 43 has been added reciting that the composition of Claim 42 be suitable for adoptive administration to a human. Exemplary support for the new claim can be found throughout the specification and particularly at page 108, lines 5-6. Claims 5, 29-30, 35-36 and 38-41 were amended to depend from independent Claim 42, rather than cancelled Claim 1, and to resolve ambiguities in antecedent basis otherwise introduced. Support can be found in the specification generally and the claims as originally filed. Therefore, no new matter has been added by these amendments.

#### Discussion of Rejection under 35 U.S.C. § 102

The Examiner maintained the rejection of Claims 1-5 and 29-42 under 35 U.S.C. § 102(b) as being anticipated by Zajac et al., Kittlesen et al., and Jäger et al. Claim 1 has been cancelled and will not be further discussed in the context of the instant rejection under § 102(b).

In the Final Office Action the Examiner maintained the rejection of Claim 42 in view of the cited references asserting that Applicants' previous argument was not convincing because there "is no requirement in the claim that the second T cell population or epitope are different from the first." The Examiner reasoned that the "interpretation that the first and second T cell populations are the same is supported by new claims 38 and 39, which recite that the 'first and second antigen are the same' in

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claim 38 and that the 'first target cell and second target cell are the same' in claim 39." Thus, the Examiner concluded that "[i]f the first and second antigens are the same, then the second 'housekeeping epitope' derived therefrom ... can also be the same as the first housekeeping epitope."

In order to address the Examiner's concern, Claim 42 has been amended to specifically recite that "the first housekeeping epitope and the second housekeeping epitope are not the same." Therefore, Applicants have clarified in amended Claim 42 that the first and the second housekeeping epitopes are different.

In view of the amendment to Claim 42, and for the reasons previously submitted, Applicants assert that Claim 42 is not anticipated by any of the cited references because none of the references teach each and every element of the claim. Therefore, withdrawal of the rejection under § 102(b) and allowance of the claim is respectfully requested.

#### Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/31/05

By: M. T. Morley  
Marc T. Morley  
Registrator No. 52,051  
Attorney of Record  
Customer No. 20,995  
(619) 231-8550

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